

Permitting & Assistance Branch Staff Report
Solid Waste Facilities Permit Revision for Landers Sanitary Landfill
SWIS No. 36-AA-0057
September 6, 2011

Background Information, Analysis, and Findings:

This report was developed in response to the County of San Bernardino Local Enforcement Agency (LEA) request for Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed Revised Solid Waste Facilities Permit (SWFP) for Landers Sanitary Landfill, SWIS No. 36-AA-0057, located in Landers, owned by San Bernardino County and operated by Burrtec Waste Industries. The report contains Permitting and Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was received on August 5, 2011. Action must be taken on this permit no later than October 4, 2011. If no action is taken by October 4, 2011, the Department will be deemed to have concurred with the issuance of the proposed revised permit.

Proposed Changes

The following changes to the permit are being proposed:

	Current Permit (2010)	Proposed Revised Full Permit
4. Estimated Closure Year	February 2013	August 2018
13. Findings	e. A Mitigated Negative Declaration and Notice of Determination were filed with the County of San Bernardino Clerk of the Board and the State Clearinghouse (SCH No. 2005011034) on April 15, 2005. A Notice of Exemption (NOE) was filed with the County of San Bernardino Clerk of the Board on April 20, 2007.	e. A Mitigated Negative Declaration and Notice of Determination were filed with the County of San Bernardino Clerk of the Board and the State Clearinghouse (SCH No. 2005011034) on April 15, 2005. A Notice of Exemption (NOE) was filed with the County of San Bernardino Clerk of the Board on April 20, 2007. Addendum No. 1 to the Initial Study/Negative Declaration dated August 2008, & Addendum No. 2 to the Initial Study Negative Declaration dated January 18, 2011.
15. Documents	Report of Disposal Site Information (RDSI) 4-2007 Preliminary Closure/Postclosure Maintenance Plans 6-93 Revised 4-95 Revised 9-95 Revised 2-05	Report of Disposal Site Information (RDSI) June 2011 Preliminary Closure/Postclosure Maintenance Plans 6-93 Revised 4-95 Revised 9-95 Revised 2-05 Revised 6-11

Findings:

All of the submittals and findings required by Title 27, Section 21685 have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings are summarized in the table below. The

documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained in the facility files maintained by the Division.

CCR Title 27 Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated August 1, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	The LEA completed a Five Year Permit Review on February 2, 2010, and provided a copy to the Department on February 11, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facilities Permit	The LEA submitted a proposed Revised Solid Waste Facilities Permit on August 5, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA, in their permit submittal package received on August 5, 2011, provided a finding that the facility is consistent with PRC 5000. Waste Evaluation & Enforcement Branch (WEEB) in the Jurisdiction Product & Compliance Unit found the facility is identified in the Siting Facility Element and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated August 12, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(5) Preliminary or Final Closure/ Postclosure Maintenance Plans Consistency with State Minimum Standards	The Closure and Facility Engineering Unit staff in the Engineering Support Branch found the Preliminary Closure/Postclosure Maintenance Plans consistent with State Minimum Standards as described in their memorandum dated August 16, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b) (6) (A) Financial Assurances Documentation Compliance	The Financial Assurances Unit staff in the Permitting & Assistance Branch found the Financial Assurances Documentation in compliance as described in their memorandum dated August 26, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(B) Operating Liability Compliance	The Financial Assurances Unit staff in the Permitting & Assistance Branch found the Operating Liability in compliance as described in their memorandum dated August 26, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on August 25, 2011. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on August 5, 2011 that the proposed permit is consistent with and supported by the existing CEQA documentation. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

CCR Title 27 Sections	Findings	
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on July 28, 2011. Oral comments were received by the LEA. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project, a proposed Revised Solid Waste Facilities Permit. Permits staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised permit. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

The facility was inspected by WEEB staff in the Inspections and Enforcement Agency Compliance Unit on August 25, 2011. No violations were observed.

Based on the LEA's monthly inspection reports, during the last five years, the facility has received one State Minimum Standards (SMS) violation; no permit violations were noted.

In December 2009, the LEA documented one SMS violation for 27 CCR Section 20921- Gas Monitoring and Control for having methane gas over 5 percent by volume in air at the permitted facility boundary. One probe was noted as having 5.1% methane gas. The LEA documented compliance in the following monthly inspection report.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed revised SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the San Bernardino County Land Use Services Department, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

Landers Sanitary Landfill currently operates under a SWFP issued by the Local Enforcement Agency on April 6, 2010. The proposed SWFP revision under consideration is to change the estimated closure date from 2013 to 2018, and to modify the final grading plan. There will not be an increase in design capacity, elevation, waste footprint, operating hours or maximum daily tonnage.

The County of San Bernardino Department of Public Health, Division of Environmental Health Services (LEA) has provided a finding that the proposed Revised Solid Waste Facilities Permit is consistent and supported by the cited environmental document.

San Bernardino County Land Use Services Department, acting as Lead Agency, prepared an Initial Study and Mitigated Negative Declaration, State Clearinghouse No. 2005011034 adopted on April 15, 2005. Addendum No. 2, dated January 2011 to the Mitigated Negative Declaration was prepared pursuant to section 15164 of the CEQA Guidelines. Addendum No. 2 addressed

the modified final grading plan and the extension of the estimated closure date from February 2013 to August 2018. The Addendum stated after reviewing findings made in 2005, it was determined that the proposed change in the final grading plan and the estimated closure date “will not result in any new or significantly different impacts compared to those identified in the previously approved IS/ND.” Department staff considered the environmental effects of the project as set out in the Mitigated Negative Declaration and Addendum No. 2 in reaching its recommendation the Department concur in the proposed Revised Solid Waste Facilities Permit for Landers Sanitary Landfill.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the environmental documents as prepared by the County of San Bernardino Land Use Services Department, in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed Revised Solid Waste Facilities Permit. Department staff has reviewed and considered the CEQA Findings adopted by the County of San Bernardino. Department staff recommends the Mitigated Negative Declaration and the Addendums are adequate for the environmental evaluation of the proposed project for those project activities which are within the Department’s expertise and authority, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed Revised Solid Waste Facilities Permit and all of its components and supporting documentation, this staff report, the Mitigated Negative Declaration as amended adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed Revised Solid Waste Facilities Permit. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Local Issues:

The project document availability, hearings, and associated meetings were extensively noticed consistent with SWFP requirements. A review from the public process indicates that environmental justice issues were not identified by the surrounding community (Census Tract 104.10). 2010 Census information indicates that the surrounding population is approximately 89.7% White, 1.8% African American, 1.9 American Indian and Alaska Native, 1.0 Asian, 2.6% some other race, and 3% two or more races. 9.7% of the total population described themselves as Hispanic or Latino. 13.1% of the families are below the poverty level. Staff has not identified any environmental justice issues related to this item. Staff finds the project and permit process to be consistent with Government Code Section 65040.12, as there has been fair treatment of people of all races, cultures, and incomes with respect to the proposed action being recommended above.

Public Noticing and Comments:

An informational meeting for the proposed SWFP was held in Landers on July 28, 2011, at 4:00 p.m. at the Belfield Hall, 58390 Reche Road, Lander, CA 92285. The meeting was attended by eleven members of the public. The public in attendance voiced support of the proposed project. There were also eight comments that included the following topics: changes to the grading plan, permitting process, waste diversion, waste tire disposal, recycling, landfill procedure for the weighing of waste, scavenging prohibition, and non-local residents right to using the landfill.

All comments were addressed by the operator and/or the LEA. The LEA did not receive any written comments from the public. No written or oral public comments were received by Department staff.

Department Staff Actions:

Staff responded to questions from the LEA regarding the permit process and attended the informational meeting. The Department provided an opportunity for public comment during the Monthly Public Meeting on August 16, 2011.